

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

B. D. and S. D. v. Texas Department of Family and Protective Services

No. 03-20-00118-CV · No. No. 03-20-00118-CV · Decided April 13, 2020

SUMMARY

The Texas Court of Appeals for the Third District partially granted appellant B. D.’s motion concerning access to sealed exhibits and the completion of the reporter’s record. The court ordered production of the complete reporter’s record upon receipt of a sealed-documents acknowledgment form, dismissed other requested relief as moot, and set May 11, 2020, as the deadline for appellants’ briefs.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Chief Justice Rose; Justice Baker; Justice Triana
JURISDICTION	Texas
DECIDED	April 13, 2020
DOCKET	No. 03-20-00118-CV
DISPOSITION	other
PROCEDURAL POSTURE	During an accelerated appeal from a suit for termination of parental rights, appellant B. D. moved to abate the appeal, obtain sealed exhibits and a complete reporter's record, and recalculate the briefing deadline.
PRECEDENTIAL VALUE	Published order; no reporter citation appears in the supplied text
PARTIES	B. D., S. D. v. Texas Department of Family and Protective Services

TOPICS

appellate procedure

termination of parental rights

family law procedure

contempt

PRACTICE AREAS

Appellate procedure

Family law

Termination of parental rights

QUESTIONS PRESENTED

1. Whether the appellate court should provide appellant's counsel access to the sealed exhibits and a complete reporter's record.
2. Whether the appeal should be abated and the appellant's briefing deadline recalculated while counsel obtained the complete record.
3. What briefing deadline should apply in light of the accelerated schedule for termination-of-parental-rights appeals.

HOLDINGS

1. The court granted the motion in part and ordered the clerk to provide counsel with the sealed-documents acknowledgment form and to produce a complete reporter's record, including the sealed exhibits, upon receipt of the completed form.
2. The requests to abate the appeal and separately order the court reporter to provide the sealed exhibits were dismissed as moot.
3. The appellants' briefs were ordered filed no later than May 11, 2020, and counsel could be required to show cause why they should not be held in contempt if the briefs were not timely filed.

KEY QUOTATIONS

"The rules of judicial administration accelerate the final disposition of appeals from suits for termination of parental rights." (Order)

"If the brief is not filed by that date, counsel may be required to show cause why they should not be held in contempt of court." (Order)

FACTUAL BACKGROUND

The appeal involved a suit for termination of parental rights. Appellant B. D. represented that counsel had not obtained a complete appellate record, including sealed exhibits held by the court reporter. The court addressed the record-access request and the accelerated briefing schedule applicable to termination-of-parental-rights appeals.

PROCEDURAL HISTORY

The appeal arose from the 453rd District Court of Hays County, cause number 19-0743. While the appeal was pending, B. D. sought access to sealed portions of the reporter's record and additional time to file the appellant's brief. The court of appeals granted the motion in part, dismissed portions as moot, ordered production of the complete record upon completion of a sealed-documents acknowledgment form, and set a briefing deadline.

DISPOSITION

other

